

**THE SCHOOL ADMINISTRATOR
and Uniform Compliance Guidelines**

Volume 146A

June 1999

NEW LAWS AFFECTING SCHOOL CORPORATIONS

The following is a digest of some of the laws passed by the 1999 Regular Session of the General Assembly affecting school corporations. Please note the effective dates. Some of the laws do not pertain directly to school corporations but are included in the digest for ready reference to the covered subject matter.

The digest is not intended as an expression of legal interpretation. Nor is the digest intended to be all inclusive. References in the digest will be to the Indiana Code in the following form (Amends IC 20-5-2-2) (Amends Indiana Code, Title 20, Article 5, Chapter 2, Section 2).

PUBLIC LAW 10 - HOUSE ENROLLED ACT 1446. EFFECTIVE JULY 1, 1999. CRIMINAL HISTORY CHECKS. Amends IC 5-2-5 to allow school corporations to request a limited criminal history check for adult volunteers. A fee may not be charged to school corporations.

PUBLIC LAW 18 - HOUSE ENROLLED ACT 1427. EFFECTIVE JULY 1, 1999. EMERGENCY VEHICLES. Amends IC 9-21-8 requiring vehicles to proceed with caution when approaching emergency vehicles with flashing lights.

PUBLIC LAW 20 - HOUSE ENROLLED ACT 1744. EFFECTIVE JULY 1, 1999. FIRE PRE-PLANNING INSPECTIONS. Adds IC 36-8-17.5 to provide a fire department may make pre-planning inspections of every place and public way within the jurisdiction of a political subdivision that the fire department serves. The purpose is to determine fire fighting strategies to minimize the hazard to firefighters responding to any fire or explosion at the structures.

PUBLIC LAW 40 - HOUSE ENROLLED ACT 1163. EFFECTIVE MAY 23, 1999. INDIANA INSTITUTE ON RECYCLING. Amends IC 13-20-18 to extend the institute to June 30, 2001.

PUBLIC LAW 47 - HOUSE ENROLLED ACT 1261. EFFECTIVE JULY 1, 1999. CHECKS. Adds IC 26-1-3.1-312 concerning lost, destroyed or stolen bank checks.

PUBLIC LAW 50 - HOUSE ENROLLED ACT 1315. EFFECTIVE JULY 1, 1999. STATE BOARD OF ACCOUNTS ENTITY AUDITS. Amends IC 5-11-1-9 to raise the threshold for an examination of an entity to at least fifty percent (50%) but less than one hundred thousand dollars (\$100,000) of public funds under certain circumstances.

**THE SCHOOL ADMINISTRATOR
and Uniform Compliance Guidelines**

Volume 146A, Page 2

June 1999

PUBLIC LAW 58 - HOUSE ENROLLED ACT 1509. EFFECTIVE JULY 1, 1999. ENERGY COST SAVINGS CONTRACTS. Amends IC 36-1-12.5-3 to provide that after June 30, 1999 qualified provider means a person that satisfies all of the following:

- (A) The person is experienced in the design, implementation, and installation of energy conservation measures.
- (B) The person is certified and meets the requirements of IC 4-13.6-4. The person's response to the request for proposals must include a copy of the person's certificate of qualification issued under IC 4-13.6-4.
- (C) The person provides energy conservation engineering services by a professional engineer licensed under IC 25-31 who is under the person's direct employment and supervision. The person's response to the request for proposals must include the license number of each professional engineer employed by the person to satisfy the requirement of this clause.
- (D) The person provides:
 - (i) monitoring for the facility performance guarantee; and
 - (ii) service personnel under the person's direct employment and supervision; for the duration of the contract's guarantee.
- (E) The person performs at least twenty percent (20%) of the work (measured in dollars of the total contract price) with its own workforce.
- (F) The person submits to the school corporation or political subdivision a performance bond to ensure the qualified provider's faithful performance of the qualified provider's obligations over the term of the guaranteed energy savings contract.

(b) For purposes of a guaranteed energy savings contract entered into before July 1, 1999, a person who was a qualified provider under IC 36-12.5-3(a)(1) at the time the contract was entered into remains a qualified provider for that contract after June 30, 1999. If the person enters into a guaranteed energy savings contract after June 30, 1999, the person must satisfy the requirements of IC 36-1-12.5-3(a)(2) to be considered a qualified provider.

Also adds IC 36-1-12.5-5.3 concerning a guaranteed energy savings contract entered into after June 30, 1999. A qualified provider may enter into a subcontract:

- (1) with a value of more than one hundred fifty thousand dollars (\$150,000); and
 - (2) for the performance of any part of a guaranteed energy savings contract;
- only if the subcontractor is certified under IC 4-13.6-4.

PUBLIC LAW 64 - HOUSE ENROLLED ACT 1618. EFFECTIVE JULY 1, 1999. OUTSTANDING CHECKS.

Amends IC 5-11-10.5-2 to provide that all warrants or checks drawn upon public funds of a political subdivision that are outstanding and unpaid for a period of two (2) or more years as of the last day of December of each year are void rather than canceled.

Repeals IC 5-11-10.5-6.

PUBLIC LAW 69 - HOUSE ENROLLED ACT 1904. EFFECTIVE JULY 1, 1999. INDIANA SCHOOLS FOR THE BLIND AND DEAF. Various provisions concerning the schools including the school corporation in which

the student has legal settlement shall bear the cost of transportation required by the student's individualized education program under IC 20-1-6-18.2. However, the student's parent, guardian, responsible relative, or other person shall bear the cost of transportation not required by the student's individualized education program (as defined in IC 20-1-6-1).

**THE SCHOOL ADMINISTRATOR
and Uniform Compliance Guidelines**

Volume 146A, Page 3

June 1999

PUBLIC LAW 70 - HOUSE ENROLLED ACT 1002. EFFECTIVE JULY 1, 1999. PUBLIC ACCESS COUNSELOR. Adds IC 5-14-4 to establish the Office of Public Access Counselor. The Office is to educate officials and the public of the rights of the public and the responsibility of public agencies; to conduct research; prepare educational materials; distribute to newly elected and appointed public officials public access laws; respond to informal inquiries made by the public and public agencies; to issue advisory opinions concerning public access laws; and to make recommendations to the General Assembly concerning ways to improve public access. The Counselor is to also submit a report to Legislative Service Agency concerning complaints received each year concerning public records and public meetings.

Also adds IC 5-14-5 to provide a formal complaint procedure. Public agencies shall cooperate with the Counselor in any investigation or proceeding. Complaints must be filed within thirty (30) days after denial or notice in fact that a meeting was held by a public agency if the meeting was conducted secretly or without notice.

Also amends various Chapters and Sections of IC 5-14 concerning procedural matters concerning the Office of Public Access Counselor.

Public Law 191 contains similar provisions.

PUBLIC LAW 77 - SENATE ENROLLED ACT 619. EFFECTIVE JANUARY 1, 2000. SCHOOL TECHNOLOGY FUND. Adds IC 21-2-18 to establish the school technology fund. Each school corporation shall establish a school technology fund. The fund consists of:

- (1) money transferred to the fund under IC 20-5-62-6, IC 20-10.1-25-5, IC 20-10.1-25.3-16, IC 21-2-11-6, or IC 21-2-11-6.5; and
- (2) any other money received by the school corporation for a purpose described in IC 20-5-62-6(4)(B), IC 20-10.1-25, IC 20-10.1-25.3, or IC 21-2-15-4(d).

However, property taxes levied by a school corporation for a capital projects fund shall not be transferred to the fund.

IC 21-2-18-3(a) provides except as provided in subsection (b), the fund may be used for one (1) or more of the purposes described in IC 20-5-62-6(4)(B), IC 20-10.1-25, IC 20.1-25.3, or IC 21-2-15-4(d).

IC 21-2-18-3(b) provides money in the fund may not be used to purchase software programs to be used exclusively for administrative purposes, such as payroll and attendance records, personnel records, administration of insurance or pension programs, or any other similar purpose. However, if a particular software program is to be used for administrative purposes and for other purposes described in subsection (a), a portion of the cost of the software program may be paid from the fund. The portion of the cost that may be paid from the fund is the total cost of the software program multiplied by the estimated percentage of use of the software program for nonadministrative purposes.

IC 21-2-18-4 provides before February 15 of each year, each school corporation shall file a report with the superintendent of public instruction's special assistant for technology. The report must be prepared in the form prescribed by the special assistant for technology and must include a list of expenditures made by the school corporation during the preceding calendar year from the school corporation's:

- (1) school technology fund for purposes described in this chapter;
- (2) capital projects fund for purposes described in IC 21-2-15-4(d); and
- (3) debt service fund for purposes of providing financing for any equipment or facilities used to provide educational technology programs.

**THE SCHOOL ADMINISTRATOR
and Uniform Compliance Guidelines**

Volume 146A, Page 4

June 1999

Also amends and adds IC 20-5-62-6 to provide any money deposited in the professional development and technology fund for technology must be transferred to the School Technology Fund.

Adds IC 20-10.1-25-5 and IC 20-10.1-25.3-16 to provide that grants received by a school corporation must be deposited in the School Technology Fund.

Amends IC 21-2-11-6 to provide except as otherwise provided by federal law, all money received by the school corporation by grant, gift, endowment, or under federal law for any of the purposes described in IC 21-2-18-3 shall be deposited in the school technology fund established under IC 21-2-18.

Also adds IC 21-2-11-6.5(a) to provide all money appropriated from the general fund for any of the purposes described in IC 21-2-18-3 shall be transferred from the general fund to the school technology fund established under IC 21-2-18 and (b) any money saved by a school corporation as a result of universal service discounts provided to the school corporation under the federal Telecommunications Act of 1996 must be transferred to the school technology fund. **Please consider the aforementioned in the budget process.**

The School Technology Fund will be Fund Number 372.

PUBLIC LAW 83 - HOUSE ENROLLED ACT 1138. SCHOOL BOARD OFFICERS. ELECTIONS. Adds IC 3-11-2-12.9 to provide that school board officers to be elected in a general election shall be placed on a general election ballot after the officers listed in IC 3-11-2-12.

PUBLIC LAW 93 - HOUSE ENROLLED ACT 1428. EFFECTIVE JULY 1, 1999. ENHANCED EMERGENCY TELEPHONE SYSTEM. Amends IC 36-8-16-2. Provides the term also includes a telephone system that provides service users in the unit with a telephone warning of an emergency situation through a computerized warning system that uses 911 database information and technology if the emergency telephone fund of the telephone systems' political subdivision contains sufficient funds to pay all the expenses of the 911 telephone system. The service supplier may charge a reasonable fee to the political subdivision for administrative costs.

PUBLIC LAW 111 - HOUSE ENROLLED ACT 1725. EFFECTIVE MAY 3, 1999. AIR POLLUTION CONTROL. Amends IC 13-17-14-5 to provide a unit as defined in IC 36-1-2-23 may not be required to pay certain fees.

PUBLIC LAW 117 - HOUSE ENROLLED ACT 1869. EFFECTIVE JULY 1, 1999. PUBLIC SAFETY COMMUNICATIONS - INTEGRATED PUBLIC SAFETY COMMUNICATIONS. Adds IC 5-26 to establish the Integrated Public Safety Commission to promote the efficient use of public safety agency resources through improved coordination and cooperation to enhance the safety of Indiana residents. Additional powers of the Commission include ensuring that Federal and State communication requirements are followed; mutual aid planning; and providing assistance to local public safety agencies in making equipment purchases and developing criteria for determining whether a public safety agency may use the statewide wireless public safety voice and data communications system.

**THE SCHOOL ADMINISTRATOR
and Uniform Compliance Guidelines**

Volume 146A, Page 5

June 1999

PUBLIC LAW 118 - HOUSE ENROLLED ACT 1902. EFFECTIVE JULY 1, 1999. TRANSFER TUITION.

Amends IC 20-8.1-6.1-5(b) to provide the placement is necessary for the students' physical or emotional health and well-being and, if the placement is in a health care facility, is recommended by a physician; and the placement is projected to be no less than fourteen (14) consecutive days or an aggregate of twenty (20) calendar days.

Also amends IC 20-8.1-6.1-6.1 concerning placements in a state licensed private or public health care child care facility. Provides if a school corporation that is a transferor corporation enters into an agreement as described in IC 20-8.1-6.1-6.1(a), the school corporation shall pay to the nonprofit corporation an amount agreed upon which may not exceed the transfer tuition cost that would otherwise be payable to a transferee school corporation.

Also amends IC 20-8.1-6.1-13 to add subsection (b) Notwithstanding subsection (a), a sole proprietorship, a partnership, an association, a corporation, a limited liability company, a fiduciary, an individual who is not the student's parent or guardian, or another entity in Indiana that accepts the placement of a student who:

- (1) has legal settlement in the attendance area of a school corporation in another state; and
- (2) is enrolled in a school corporation in Indiana;

is the guarantor for the student's transfer tuition under this chapter unless there is another guarantor. The Indiana state board of education shall hear all appeals under this subsection in accordance with section 10 of this chapter.

PUBLIC LAW 119 - HOUSE ENROLLED ACT 1909. EFFECTIVE JULY 1, 1999. BROWNFIELD ZONES.

Amends IC 13 to provide for forgivable loans to political subdivisions for brownfield remediation.

PUBLIC LAW 122 - SENATE ENROLLED ACT 66. EFFECTIVE MAY 3, 1999. UNDERGROUND STORAGE TANKS. Amends IC 13-23-10-10 to provide the owner or operator who closed or removed an underground storage tank after December 31, 1997 and before July 1, 1998 may receive a grant from the fund.

Also amends IC 13-23-14-3 concerning civil penalties.

PUBLIC LAW 126 - SENATE ENROLLED ACT 286. EFFECTIVE JULY 1, 1999. UNIVERSAL 911 EMERGENCY TELEPHONE NUMBER. Adds IC 36-8-20 to designate telephone number 911 as the universal emergency telephone number for reporting an emergency and requesting assistance. Provides that a communication system that is available to members of the public as a means to report an emergency and to request assistance; and established or operated by the state or a unit; must use 911 as the exclusive universal emergency telephone number for the communication system.

PUBLIC LAW 132 - SENATE ENROLLED ACT 551. EFFECTIVE JULY 1, 1999. DRINKING WATER AND WASTEWATER FINANCIAL ASSISTANCE AGREEMENTS. Amends IC 13-11-2-83 to provide that an agreement between the budget agency and the participant establish the terms and conditions of a loan or other financial assistance, including forgiveness of principal if allowed under federal law, by the State to the participant.

Also adds IC 13-11-2-151.1 to define participants for the purposes of IC 13-11-2-151.1 and IC 13-8-21 means a political subdivision or any other owner or operator of a public water system.

**THE SCHOOL ADMINISTRATOR
and Uniform Compliance Guidelines**

Volume 146A, Page 6

June 1999

PUBLIC LAW 134 - HOUSE ENROLLED ACT 1431. EFFECTIVE JULY 1, 1999. CERTAIN MUTUAL FUND INVESTMENTS. Adds IC 5-13-9-2.4 to provide an officer of a (1) political subdivision; or (2) other local governmental entity shall annually obtain the approval of the fiscal body of the political subdivision or the governing body of a local governmental entity before making investments under section 2.5.

IC 5-13-9-2.5 is added to provide that an officer designated in IC 5-13-9-1 may invest or reinvest funds that are held by the officer and available for investment in investments commonly known as money market mutual funds that are in the form of securities of or interest in an open-end, no-load, management-type investment company or investment trust registered under the provisions of a federal Investment Company Act of 1940, as amended (15 U.S.C. 80A et seq.) The investments described may not exceed fifty percent (50%) of the funds held by the officer and available for investment. Any investments described shall be made through depositories designated by the State Board of Finance as depositories for State deposits under IC 5-13-9.5.

The portfolio of an investment company or investment trust described in IC 5-13-9-2.5(a) must be limited to the following: (1) Direct obligations of the United States. (2) Obligations issued by any of the following:

- (A) A federal agency,
- (B) A federal instrumentality,
- (C) A federal government sponsored enterprise.
- (3) Repurchase agreements fully collateralized by obligations described in subdivision (1) or (2).

The form of securities of or interest in an investment company or investment trust described in IC 5-13-9-2.5(a) must be rated as one (1) of the following:

- (1) AAAM, or its equivalent, by Standard and Poor's Corporation or its successor,
- (2) Aaa or its equivalent, by Moody's Investors Service Inc., or its successor.

The form of securities in an investment company or investment trust described is considered to have a stated final maturity of one (1) day.

The State Board of Accounts may rely on transaction confirmations evidencing ownership of a form of securities of or interest in an investment company or investment trust described in subsection (a).

PUBLIC LAW 135 - HOUSE ENROLLED ACT 1434. EFFECTIVE JULY 1, 1999. TELECOMMUNICATIONS. Amends and adds to IC 8-1-29 concerning telecommunications changes. Also amends various sections of IC 23-7-8 concerning certain solicitations.

PUBLIC LAW 137 - SENATE ENROLLED ACT 9. EFFECTIVE JULY 1, 1999. INDIANA UNIFORM PRUDENT INVESTORS ACT. Adds IC 30-4-3.5 concerning procedures for managing trust assets.

PUBLIC LAW 142 - SENATE ENROLLED ACT 94. EFFECTIVE DECEMBER 31, 1998 (RETROACTIVE). GOVERNMENTAL IMMUNITY FOR Y2K. Amends IC 34-13-3-3 to provide immunity caused by failure to recognize the year 1999, 2000, or a subsequent year, including an incorrect date or incorrect mechanical or electronic interpretation of data that is computer calculated or generated by a computer; information system; or equipment using microchips that is owned or operated by a government entity. However, the subdivision does not apply to acts or omissions amounting to gross negligence, willful or wanton misconduct or intentional misconduct. For purposes of the subdivision, evidence of the gross negligence may be established by showing failure of a governmental entity to undertake an effort to review, analyze, remediate, and test electronic information systems or by showing failure of a governmental entity to abate, upon notice, an electronic information system error that caused damage or loss.

**THE SCHOOL ADMINISTRATOR
and Uniform Compliance Guidelines**

Volume 146A, Page 7

June 1999

PUBLIC LAW 146 - SENATE ENROLLED ACT 235. EFFECTIVE JULY 1, 1999. EDUCATION ROUNDTABLE. Adds IC 20-1-20.5 to establish the Education Roundtable to make recommendations concerning education.

Also amends IC 20-1-21-9 to change the benchmark in school corporation performance report.

PUBLIC LAW 151 - SENATE ENROLLED ACT 321. EFFECTIVE JULY 1, 1999. COPY COSTS. Amends IC 5-14-3-8 concerning the fee a fiscal body shall establish for certification, copying, or facsimile machine transmission of documents. The fee may not exceed the actual costs of certifying, copying, or facsimile transmitted documents by the agency. The fee must be uniform throughout the public agency and uniform to all purchases. Actual cost is defined to mean the cost of paper and per-page costs for use of copying or facsimile equipment, and does not include labor costs or overhead costs.

PUBLIC LAW 153 - SENATE ENROLLED ACT 429. EFFECTIVE JULY 1, 1999. PUBLIC NOTICE, PURCHASE PREFERENCES. Amends IC 5-3-1-2 to provide if the unit is receiving bids, notice shall be published two (2) times, at least one (1) week apart with the second publication made at least seven (7) days before the date the bids will be received.

Amends IC 5-22-15-7 to include Indiana small business preferences provided by IC 5-22-15-23.

Also amends IC 5-22-15-16 to provide a price preference for supplies that contain recycled materials or post-consumer materials. The amount of the price preference and the recycled materials composition of the supplies must be set by one (1) of the following:

- (1) Rules adopted by the governmental body.
- (2) Policies established by the purchasing agent.
- (3) The solicitation.

The preference shall be set to maximize the use of recycled materials when economically practical. The price preference set under IC 5-22-15-6(c) may not be less than ten percent (10%) or exceed fifteen percent (15%).

Also adds IC 5-22-15-23 to provide a governmental body shall give a fifteen percent (15%) preference for supplies to an Indiana small business (as defined in IC 5-22-14-1) that submits an offer for purchase under IC 5-22. A governmental body may adopt rules to establish criteria to carry out this action.

Also amends IC 5-22-17-4 to provide a contract that contains a provision for escalation of the price may be renewed under this section if the price escalation is computed using:

- (1) a commonly accepted index named in the contract; or
- (2) a formula set forth in the contract.

Repeals IC 5-22-15-17 concerning prior recycled materials preferences.

PUBLIC LAW 154 - SENATE ENROLLED ACT 447. EFFECTIVE JULY 1, 1999. DELINQUENT PROPERTY TAXES. Amends IC 6-1.1-37-10 to change the penalty date for delinquent property taxes.

Changes various definitions in IC 26-1-6.1-102.

Also adds IC 36-2-6-14.5 concerning special assessment dates.

**THE SCHOOL ADMINISTRATOR
and Uniform Compliance Guidelines**

Volume 146A, Page 8

June 1999

PUBLIC LAW 158 - SENATE ENROLLED ACT 539. EFFECTIVE JULY 1, 1999. RAILWAY CORRIDORS. Amends various sections of IC 8-4.5 concerning responsible parties and governmental entities in abandoned railroad corridors used as recreational trails.

PUBLIC LAW 160 - SENATE ENROLLED ACT 625. EFFECTIVE JULY 1, 1999. CLEAN WATER INDIANA PROGRAM. Adds IC 14-32-8 to provide for the Clean Water Indiana Program. The purpose of the program is to provide financial assistance to implement conservation practices to reduce nonpoint sources of water pollution through education, technical assistance, training and cost sharing programs.

PUBLIC LAW 170 - SENATE ENROLLED ACT 126. EFFECTIVE JULY 1, 1999. INSURANCE. Amends IC 5-10-8 to require group insurance payments for certain screenings.

PUBLIC LAW 172 - SENATE ENROLLED ACT 486. EFFECTIVE JULY 1, 1999. ENERGY SAVINGS CONTRACTS. Amends IC 4-13.6-4 to provide certificates of qualification to be valid for a period of twenty seven (27) months from the date of issuance unless revoked by the board for cause. Any qualified person who holds a certificate of qualification should notify the board of any material changes in information in any application submitted to the board.

PUBLIC LAW 175 - SENATE ENROLLED ACT 662. EFFECTIVE JULY 1, 1999. INDIANA LAND RESOURCES COUNCIL. Adds IC 15-7-9 to establish a council to provide information, educational and technical assistance and to advise governmental units regarding land use strategies and issues across the State.

PUBLIC LAW 176 - SENATE ENROLLED ACT 109. EFFECTIVE VARIOUS DATES. OATHS, DEPUTIES. Amends IC 5-4-1-1. Retroactive January 1, 1999 to provide a deputy of a political subdivision is an employee performing ministerial functions on behalf of an officer and is not required to take the oath prescribed in IC 5-4-1-1(a), however, if a chief deputy assumes the duties of an officer in a vacancy under IC 3-13-11-12, the chief deputy must take the oath required before entering the official duties of the office.

Amends IC 5-4-1-1.2 to provide if an officer of a political subdivision does not take and file the oath required under IC 5-4-1-1 within thirty (30) days after the beginning of the officers term, the office becomes vacant.

Also provides IC 5-4-1-1.2 does not apply to an individual appointed or elected to an office the establishment or qualifications of which are expressly provided for in the Constitution of the State of Indiana or the Constitution of the United States.

Amends IC 5-4-1-4 to provide an officer of a political subdivision or school corporation must file a copy of the oath to the circuit court clerk's office of the county containing the greatest percentage of the population of the political subdivision or the school corporation.

Also adds IC 5-6-4 to provide that for purposes of Article 2, Section 9 of the Constitution of the State of Indiana the position of appointed deputy of an officer of a political subdivision is not a lucrative office.

**THE SCHOOL ADMINISTRATOR
and Uniform Compliance Guidelines**

Volume 146A, Page 9

June 1999

PUBLIC LAW 179 - HOUSE ENROLLED ACT 1652. EFFECTIVE JULY 1, 1999. WORKFORCE INVESTMENT SYSTEM. Amends and adds to IC 22-4 including adding representatives from local school boards to regional boards for workforce investment areas.

PUBLIC LAW 181 - HOUSE ENROLLED ACT 2022. EFFECTIVE JANUARY 1, 2001. COMMERCIAL VEHICLE EXCISE TAX. Concerns various changes concerning assessing including IC 6-6-5.5-18 to provide information returns shall be furnished to the taxpayer by the appropriate township assessor. The assessor shall examine and verify accuracies of information returns filed by taxpayers comparing the information with books of the taxpayers and with commercial vehicles owned, held, possessed or controlled by the taxpayer.

Adds IC 6-6-5.5 to provide for commercial vehicle excise tax to be imposed annually.

PUBLIC LAW 185 - HOUSE ENROLLED ACT 1477. EFFECTIVE JULY 1, 1999. EMPLOYEE ASSISTANCE PROFESSIONALS. Adds IC 25-40 concerning certifying individuals providing workplace services to address employer and employee productivity.

PUBLIC LAW 191 - SENATE ENROLLED ACT 1. EFFECTIVE JULY 1, 1999. PUBLIC ACCESS COUNSELOR. Contains similar provisions to Public Law 70, House Enrolled Act 1002. Effective July 1, 1999.

PUBLIC LAW 195 - HOUSE ENROLLED ACT 1093. EFFECTIVE JULY 1, 1999. PERF/TERF. Makes numerous changes to various provisions concerning PERF and TERF.

PUBLIC LAW 212 - HOUSE ENROLLED ACT 1578. EFFECTIVE VARIOUS DATES. UNDERGROUND STORAGE TANKS. Amends and adds to IC 13 concerning corrective actions on underground storage tanks and ownership.

PUBLIC LAW 221 - HOUSE ENROLLED ACT 1750. EFFECTIVE JULY 1, 1999. STRATEGIC AND CONTINUOUS SCHOOL IMPROVEMENT AND ACHIEVEMENT PLAN. Amends IC 20-1-1-6.3 and adds IC 20-1-1-6.5 and IC 20-10.2 concerning the Strategic and Continuous School Improvement and Achievement Plan.

Provides for possible grants under IC 20-1-1-6.5(q) should be expended only for the conduct of activity specified in the program; and to be coordinated with other professional developmental programs and expenditures.

Amends IC 20-1-1.3-3 concerning the performance based awards and incentive program and indicators of performance listed in IC 20-1-21-9.

PUBLIC LAW 227 - HOUSE ENROLLED ACT 1985. EFFECTIVE JULY 1, 1999. ENERGY EFFICIENCY LOAN FUND. Amends IC 4-23-5.5-15 to provide the loan fund is established for the purpose of assisting governmental bodies as defined in IC 36-1-12.5-1.5.

IC 36-1-12.5 adds libraries to the definition of governing bodies which already consist of school corporations and other political subdivisions.

**THE SCHOOL ADMINISTRATOR
and Uniform Compliance Guidelines**

Volume 146A, Page 10

June 1999

PUBLIC LAW 228 - HOUSE ENROLLED ACT 1986. EFFECTIVE VARIOUS DATES. PERF/TERF. Adds various sections to IC 5-10.2 concerning PERF and TERF retirement provisions.

PUBLIC LAW 232 - HOUSE ENROLLED ACT 2041. EFFECTIVE JANUARY 1, 1999 (RETROACTIVE) AND JULY 1, 1999. SELF INSURANCE. Adds IC 2-3-3-2.5 to define "employer" as a political subdivision as defined in IC 36-1-2-13 and provides that an employer of an individual who is a member of the General Assembly shall provide to the individual at all times during which the individual is serving as a member of the General Assembly the same insurance and other benefits at the same cost to the individual as provided to the individual by the employer when the individual is not serving as a member of the General Assembly.

Adds IC 20-5-2.5 to provide a self-insurance program must provide for appeals to a review panel to hear complaints and resolve concerns.

Adds IC 20-5-2.5-4 provides the governing body must fund a self-insurance program as described in IC 21-2-5.6-1(2) to include coverage for all eligible incurred claims subject to IC 21-2-5.6 and notwithstanding any other law, contributions made on behalf of individuals covered under the self-insurance program including employee/employer contributions; and transfer of all allocations of funds by a governing body; for coverage for health care services under a self-insurance program must be directly deposited into the self-insurance fund established under IC 21-2-5.6-1(2) and may not be transferred to other accounts or expended for any other purpose.

Adds Section (d) to provide interest earned on funds deposited in the self-insurance fund under subsection (c) must be deposited in the self-insurance fund and may not be transferred to other accounts or expended for any other purpose.

Also amends IC 21-2-5.6-1 to provide the governing body of each school corporation:

(1) may establish a self-insurance fund in accord with this chapter for the purposes described in:

(A) section 2(1) through 2(3) of this chapter; and

(B) section 2(4) of this chapter as section 2(4) of this chapter applies to governing body or school employee coverages other than coverage for health care services (as defined in IC 27-8-11-1); and

(2) shall, if the governing body elects to provide a self-insurance program to cover health care services (as defined in IC 27-8-11-1), establish a self-insurance fund under this chapter for the purposes described in section 2(4) of this chapter as section 2(4) of this chapter applies to health care services (as defined in IC 27-8-11-1).

Effective July 1, 1999, IC 20-5-2.5 as added by this act, applies to self-insurance programs established, renewed or in effect after January 1, 2001.

PUBLIC LAW 235 - HOUSE ENROLLED ACT 2085. EFFECTIVE JULY 1, 1999. SCHOOL TO WORK. Adds and amends various provisions of IC 22-3-1 concerning compensation and benefit for school to work students.

Also makes changes concerning unemployment compensation.

**THE SCHOOL ADMINISTRATOR
and Uniform Compliance Guidelines**

Volume 146A, Page 11

June 1999

PUBLIC LAW 240 - SENATE ENROLLED ACT 24. EFFECTIVE JANUARY 1, 2000. CAPITAL PROJECTS FUND. Amends IC 21-2-15-4 to provide money from the fund may be used to pay for the construction, repair, replacement, remodeling or maintenance of a school sports facility. However, a school corporation's expenditures in a calendar year under this subsection may not exceed five percent (5%) of the property tax revenues levied for the fund in the calendar year.

IC 21-2-15-4 as amended, applies only to budget years beginning after December 31, 1999.

PUBLIC LAW 251 - SENATE ENROLLED ACT 204. EFFECTIVE MAY 13, 1999. COMPUTER GATEWAYS. Amends IC 5-3-1; IC 5-14-1.5-5; IC 22-7-5 and IC 5-22-9-3 concerning publication requirements for state officers, boards, commissions or other institutions to publish a notice and provide electronic access to the notice through the computer gateway administered by the Intellenet Commission under IC 5-21-2.

PUBLIC LAW 272 - SENATE ENROLLED ACT 606. EFFECTIVE JULY 1, 1999. SPECIAL EDUCATION. Adds IC 20-1-6.1-3.2 to provide school corporations that operate programs individually or cooperatively with other school corporations are added to the definition of "public agency" for the purposes of IC 20-1-6.1.

PUBLIC LAW 273 - HOUSE ENROLLED ACT 1001. EFFECTIVE JULY 1, 1999. STATE BUDGET. Provides new school funding formula and various other funding provisions..

Amends IC 6-1.1-34-6 to provide that before April 15th of each year a new assessment ratio is calculated for school corporations, the State Board of Tax Commissioners shall publish the new assessment ratio.

Section 154, Public Law 50-1996, Section 19 is amended effective January 1, 1999, (retroactively) to provide the initial school year budget (other than a pilot school corporation) is for the period July 1, 2001 through June 30, 2002.

Adds IC 5-2-10.1 concerning school safety specialists designation, training and certification programs.

Amends IC 21-3-1.7-9.8, effective January 1, 2000, to increase to nine hundred twenty-five dollars (\$925), the amount each school corporation is to receive for each honors diploma award which a school corporation may give to each eligible pupil.

Also amends IC 20-8.1-9-2 to provide the department shall adopt procedures that must be followed by applicants in order for them to qualify for assistance under this chapter. These procedures must include obtaining information needed by the family and social services administration to determine if the recipient is a child who is a member of a qualifying family, as defined in IC 12-14-28-1, including the familial relationship of the child to the head of the household. The financial eligibility standard for an applicant under this chapter must be the same criteria used for determining eligibility for receiving free or reduced price lunches under the national school lunch program.

Accordingly, the State Department of Education has proposed changes to School Form 521, Application for Free Meals or Reduced Price Meals and Other Benefits and School Form 522, Application for Free Milk and Other Benefits.